

PLANNING BOARD

Minutes - September 10, 1973

Members Present: Thomson, Bridges, Cogswell, Hannaford, Kulmala, and Santomenna

HEARING ON PROPOSED ZONING CHANGE

A special Hearing was held on proposed warrant articles to be submitted by the Planning Board to the special town meeting. These articles refer to present commercially zoned parcels along Bedford Road as shown on the zoning map of 1962. There are five parcels of land involved and these would be returned to residential zoning. There is also a parcel not shown on the map which was zoned for the sale of furniture and antiques and this too would be returned to residential zoning. The final effect would be that the only commercial zone on our map would be in the center of Carlisle. The status of those parcels now being used commercially would not change unless the use was discontinued for a year. The sale of any of these parcels would not change the type of zoning and expansion up to fifty per cent is permissible.

Mr. Earl Dick, an attorney in Bedford, represented Mrs. Evelyn Duren and also R & W Trust who own the property next to Duren's Garage. Speaking for Mrs. Duren he said that this may be an unreasonable exercise of the zoning powers of the town. The Bedford Town Counsel ruled this on a similar case. He also felt this would lower total assessments in the town and reduce the value of the present commercial property. He wanted to have it on file that Mrs. Duren was opposed to this change.

In speaking for R & W Trust, Mr. Dick said that the change would not halt the commercial use of the property as the plan of the land was filed to protect it for three years. In fact, Mr. Dick felt the rezoning would hasten its development for business use. R & W purchased this parcel within the past six months and if they should decide to sell the land the change in zoning would lower the value. Once again he felt it would take away assessment value from the town. He wanted to state that R & W Trust was opposed to this change.

Mrs. Duren wanted to know why this change was being made and Mr. Richard Bates also wanted to know this. Mr. Bates also wanted to know where his commercial zone was as it has appeared at different spots on maps. Mr. Thomson gave a little of the background for the Planning Board's decision to eliminate the spot commercial zoning.

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Everett Duren asked about the fifty per cent increase in the size of a commercially zoned business building. Could you change the use - e.g. could they change their business to a super market. Under the new proposed laws this could not be done but under the present laws it could be done.

Mr. Dick said that he has found that owners of commercially zoned property are the strongest advocates of limiting commercial zoning because they do not want the competition.

The question was asked as to why the Center had priority and was not being affected. This is because the Board is trying to eliminate strip zoning.

Mr. Peckham had three questions or requests:

1. Would each zoned area be on a separate article
2. Will there be a map of each piece
3. Could the Planning Board address itself to each property owner independently

It was stated that since site plan approval is necessary for any change, the Board of Selectmen can prevent exploitation of commercial property.

Mrs. Duren commented on small businesses which operate in individual homes - these come under cottage industries. She was told that it is up to the Board of Selectmen to accept these complaints.

Mr. Santomenna stated that the Planning Board should be doing some master planning and decide where is the best place to have businesses in the Town. He feels that businesses should be confined to the center of the Town.

Mrs. Richard Bates said she feels there is not enough room for any additional business in the center of Town.

Mr. George Senkler owner of the Parke Math Lab property and the "Candy House" said he feels that the Planning Board is doing this at the expense of commercial property owners. He feels there are sufficient safeguards in our rules for any commercial changes. Also the public now has plenty of opportunities to make itself heard on any changes. He also feels that putting a one year restriction or the three year deadline on these properties places undue pressure on commercial land owners so that the town might not get the best solution or building. Since so many town boards have to approve any increase in commercial use, why change this. The present town

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rules give ample protection to the town.

Mrs. Eleanor Cochran pointed out that the Riding Academy consisting of 17 acres and the Carlisle Animal Hospital both operate under special permits and site plan approval is not required for special permits.

Mr. Donald Cochran said that the Board of Appeals has too many powers and that they have asked that permitted uses be restricted. The Board of Appeals has requested the Planning Board to recommend these changes. He felt that valuable comments had been made by the people at this Hearing.

Mr. Thomson commented that these parcels to be rezoned could each be a separate warrant article. However, this will be decided later. Glovers' barn and John Davis's barn may both be zoned commercial even though they do not appear on the maps. An effort will be made to clear up any such commercially zoned parcels.

Richard Bates, Jr. said he would like to go on record as hoping that these articles will not go into Town Meeting.

In an effort to gain the consensus of the entire group of 27 towns-people present, a show of hands was requested of those in favor of the articles. Four people were in favor of them.

Bonnie Miskolczy wondered about reimbursing the property owners for this zoning change. Mr. Santomenna said "no" because the zoning change is a protective device.

The statement was made that if the permitted business uses were cut down this would serve the same purpose as the zoning change.

Mr. Dick commended the Board on conducting such a fair hearing.

Mr. William Cutter wondered if a per square foot dollar value could be put on any of these properties and the answer was no and it may be almost impossible to do.

The Hearing was adjourned at 10 P.M.

The Planning Board discussed some of the questions raised and statements made at the Hearing. It was felt that the Selectmen may request the Planning Board to postpone presentation of these articles at the Special Town Meeting because they are so controversial.

The Board members signed a plot plan without change for definitive purposes. The land currently belongs to John A. Davis and abuts the Blood Farm Trail. The plan was submitted by the Conservation Commission who may be interested in buying it at a future time.

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A list of through streets has been prepared to go into the scenic road article that will be presented at Town Meeting.

Mr. Hannaford will make an appointment with Mr. John Finigan concerning an inspection at Woodstock. There are still a few items to be corrected. The status of the Tophet-Carleton subdivision remains unchanged.

Mrs. Penhune and Mr. Peckham asked for Planning Board priorities for the next Town Meeting. They are also preparing a list of needs for the Town - they have reached No. 310. Mrs. Penhune is now Chairman of the Board of Selectmen and she feels it would be quite desirable for the Planning Board to restrict permitted business uses which now include almost everything.

An effort will be made to clean-up any separate parcels of commercially zoned areas that could be zoned as such and the Town not know about at this time.

The meeting was adjourned at 11:10 P.M.

Respectfully submitted,



Patricia A. Macqueene
Secretary



Town of Carlisle

MASSACHUSETTS 01741

GEORGE R. COGSWELL, JR., Clerk
698 Concord Road
CARLISLE, MASS. 01741

Office of
PLANNING BOARD

AGENDA

September 10, 1973

8 P.M.

Town House

- (1) Public hearing on zoning change warrant articles for special town meeting in October.
- (2) Review of other warrant articles for special town meeting in October.
- (3) Subdivision review
 - (A) Tophet and Carleton Roads
 - (B) Woodstock final inspection (Frank Hannaford)
- (4) Town center planning policy review